

Dated: May 12, 1995.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

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Federal Prevailing Rate Advisory Committee; Cancellation of Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Federal Prevailing Rate Advisory Committee scheduled for Thursday, May 25, 1995, has been canceled.

Information on other meetings can be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, DC 20415, (202) 606-1500.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-93]

Notice of Determination and Request for Public Comment Concerning Proposed Determination of Action Pursuant to Section 301: Barriers to Access to the Auto Parts Replacement Market in Japan

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determination under section 304(a)(1)(A) of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2414(a)(1)(A)); notice of proposed determination of action to be taken under section 304(a)(1)(B) of the Trade Act and notice of public hearing and request for public comment pursuant to section 304(b) of the Trade Act.

SUMMARY: The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that certain Acts, policies and practices of Japan that restrict or deny suppliers of U.S. auto parts access to the auto parts replacement and accessories market ("after-market") in Japan are unreasonable and discriminatory and burden or restrict U.S. commerce. The USTR is seeking

public comment and will hold a public hearing on June 8 and 9, 1995, regarding the proposed determination pursuant to section 304(a)(1)(B) on the appropriate action under section 301 being considered in response to these acts, policies and practices.

DATES: Written comments on the determination are due by noon, Monday, June 19, 1995. Requests to testify at the hearing must be submitted by noon, Thursday, May 25, 1995. Written testimony is due by noon, Friday, June 2, 1995, and written rebuttals are due by noon, Wednesday, June 21, 1995.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David Burns, Senior Advisor for Japan, (202) 395-5050, or James Southwick, Assistant General Counsel, (202) 395-7203. Questions about the public hearing, written testimony and written comments should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395-3432.

SUPPLEMENTARY INFORMATION: On October 1, 1994, the USTR initiated an investigation pursuant to section 302(b) of the Trade Act to determine whether specific barriers to access to the after-market for auto parts in Japan are unreasonable or discriminatory and burden or restrict U.S. commerce. By **Federal Register** notice dated October 13, 1994 (59 FR 52034), the USTR requested public comment on the issues raised in the investigation. The comment period was subsequently extended by a **Federal Register** notice dated November 10, 1994 (59 FR 56099).

Officials of the Office of the USTR and other United States agencies have conducted extensive consultations with Japanese government officials concerning these market access barriers, but negotiations have failed to resolve the issues under investigation. Consequently, on May 10, 1995, the USTR pursuant to section 304(a)(1)(A)(ii) of the Trade Act determined that certain acts, policies and practices of Japan that restrict or deny suppliers of U.S. auto parts access to the auto parts replacement and accessories market ("after-market") in Japan are unreasonable and discriminatory and burden or restrict U.S. commerce.

Reasons for Determination

The Japanese market for replacement auto parts is restricted by a complex system that is not reasonable or justifiable. This system channels most repair work to government-certified

garages that use very few foreign parts, and the system restricts the development of other garages more likely to carry and use foreign parts. In addition, even minor additions of accessories to motor vehicles require a full vehicle inspection and tax payment, which severely limits opportunities for U.S. automotive accessories suppliers.

The United States pressed Japan for broad reform in the aftermarket. The U.S. proposals did not ask for reduction of safety or environmental standards, but for measures that would allow for substantially more repair work to be performed outside the certified garages, and therefore would open up opportunities for foreign suppliers. The Government of Japan was unwilling to make changes to key elements of the system which restricts opportunities for U.S. and other foreign parts suppliers.

Proposed Determination on Appropriate Action

If the USTR makes an affirmative determination pursuant to section 304(a)(1)(A)(ii) of the Trade Act, pursuant to section 304(a)(1)(B) the USTR also must determine what action, if any, by the United States is appropriate. If the USTR determines that action is appropriate, section 301(b) of the Trade Act directs the USTR to take all appropriate and feasible action to obtain the elimination of the unreasonable or discriminatory act, policy or practice.

Therefore, the USTR proposes to take the following action, pursuant to the authority provided by section 301(c)(1)(B) of the Trade Act:

To impose prohibitive (100 percent *ad valorem*) duties upon luxury-type motor vehicles from Japan. The increased tariffs will apply to the following motor cars and other motor vehicles principally designed for the transport of persons provided for in heading 8703 of the Harmonized Tariff Schedule of the United States (HTS):

(1) Motor vehicles having 4 doors, a wheelbase more than 260 cm (102.4 inches) but not more than 263 cm (103.6 inches), a curb weight more than 1,495 kg (3,295.9 pounds), a height not more than 138 cm (54.3 inches), and a spark-ignition internal combustion reciprocating piston engine with 6 or more cylinders, having a total cylinder capacity exceeding 2,900 cc or a rotary piston engine (provided for in HTS subheadings 8703.23, 8703.24 or 8703.90); and

(2) Motor vehicles having a wheelbase exceeding 266 cm (104.7 inches), a curb weight more than 1,365 kg (3009.3 pounds), a height not more than 145 cm (57 inches), and either a spark-ignition